

REMARKS

Claims 1-6, 8-15, 17-23, 25 and 26 are currently pending in this application.

Claim Rejections 35 U.S.C. § 103

Claims 1-5, 8-14, 17-22 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Karg in view of Pickett. Claims 6, 15, 23 and 26 have been rejected under 35 U.S.C. § 13(a) as being unpatentable over Karg in view of Pickett as applied to claim 1, and further in view of Hinsey.

For a § 103(a) rejection, the prior art references must teach or suggest all of the claim limitations. MPEP §§ 2142, 2143.03. Claims 1 and 11 require that the outlet chute be spring loaded. Similarly, independent method claim 18 requires that the outlet chute be spring loaded. The combination of Karg and Pickett fails to disclose a chipper-shredder machine in which the outlet chute is spring loaded, as required by the claims. The Examiner acknowledges on page 2 of the Office Action that Karg does not have a spring loaded outlet chute, but cites Pickett for a spring loaded chute. However, Pickett does not disclose a spring loaded outlet chute. At best, Pickett only discloses a spring loaded inlet chute. Pickett describes an inlet chute "arranged to feed rough wood to the cutter with its grain at an angle to the plane of the face of the cutter, the chute having a swing adjustable back plate, means for limiting the movement of the back plate toward the cutter to a position far enough from the cutter to receive the wood, and yielding means for constantly pushing the back plate toward the cutter". (Pickett, col. 1, lines 12-18 and col. 2, lines 1-2; Figure 1). The spring pressed back plate 21 is not the outlet chute nor is it for preventing jamming or binding of the cutter head 15. In fact, the spring loaded back plate 21 in Pickett is a yielding means for constantly pushing the back plate 21 toward the cutter and controlling the position of the wood as it approaches the cutter head 15 (col. 2, lines 17-18;

Figure 2). There is no teaching or suggestion in either Karg or Pickett that the outlet chute be spring loaded, as provided in claims 1, 11 and 18.

Thus, claims 1, 11 and 18, and the claims depending therefrom, distinguish over the cited references so as to be in proper form for allowance. Accordingly, Applicant respectfully requests that the obviousness rejection for claims 1-5, 8-14, 17-22 and 25 be withdrawn.

Conclusion

In view of the foregoing remarks, reconsideration and allowance is respectfully requested for all pending claims.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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